

MERCER COUNTY BOARD OF HEALTH
REGULATION NO. 2008-01

On-Site Sewage Disposal Systems

Section I – Intent and Authority

- 1) The Mercer County Board of Health declares that a county-wide regulation is needed to govern the installation of on-site sewage disposal systems within Mercer County in order to improve sanitation and promote and protect the public health of the residents of Mercer County.
- 2) This regulation is adopted and issued pursuant to the authority of Section 212.230(1)(c) of the Kentucky Revised Statutes.

Section II – Citation of Regulation

This regulation may be cited as On-Site Sewage Disposal Systems Regulation, MCBH Reg. 2008-01.

Section III -- Definitions

- 1) Subdivision -- The division of a larger parcel of land into:
 - (a) separate lots that include the construction of public streets and utilities, or
 - (b) four or more separate lots, whether or not the construction of public streets are required, to be used for, or intended to be used for the installation or building of any structure intended for immediate or future human occupancy.
- 2) Individual Lot -- Any parcel of ground to be used for, or intended to be used for the installation or building of any structure intended for immediate or future human occupancy and not included in the definition of subdivision, as defined in 1) of this Section.
- 3) Kentucky On-Site Sewage Disposal Systems Regulation -- Kentucky Administrative Regulation (KAR) 902 KAR 10:081 and 902 KAR 10:085 or corresponding section of any future KAR.
- 4) Municipal Sewer System -- a sewer system under the jurisdiction of a city, district or other public body.
- 5) Private Sanitary Sewer System -- a sewage disposal system utilizing a network of collector sewer lines connected to an aerobic digestion package sewage treatment plant approved by the State Department of Natural Resources and Environmental Protection.
- 6) On-Site Sewage Disposal System -- any septic tank and subsurface drainage system of treating or disposing of waste or human excreta accumulated and disposed of on the premises (see 902 KAR 10:085 Section 1 (25)). All such septic systems installed in Mercer County must meet the requirements set forth in the current Kentucky On-Site Sewage Disposal Systems Regulations.

Section IV -- Subdivisions

No person, firm or corporation shall be allowed to create a subdivision unless the resulting subdivision is served by a municipal sewer system or a private sanitary sewer system approved by the Kentucky Environmental and Public Protection Cabinet. If no municipal sewer system is available and the subdivision is not currently served by a private sanitary sewer system, such person, firm or corporation must comply with the following:

- 1) There shall be no minimum sizes for subdivision lots on sanitary sewer other than those set forth by the Greater Mercer County Planning and Zoning or the Burgin City Council.
- 2) The following requirements must be met:
 - (a) Applicant shall submit a plat of the proposed subdivision to the Mercer County Health Department. The plat shall contain the following:
 1. Size, shape and number of each lot: size in acres and tenths.
 2. Contours on five-foot (5-foot) intervals.
 3. Location of all existing structures, including but not limited to buildings, lakes, ponds, wells, streams, drainage ways, sinkholes, easements, rights-of way, drives, streets and utilities.
 - (b) Soil evaluation shall be completed on each lot in subdivision by the Mercer County Health Department or approved professional consultants in accordance with the current Kentucky Onsite Regulation (902 KAR 10:081 and 10:085). Backhoe pits will be required for each evaluation and will be at the applicant's expense. All other fees apply.
 - (c) A statement will be included on the final plat filed in the office of the Mercer County Circuit Court Clerk and any subsequent amendments that soil evaluation has been completed and that additional information may be obtained at the Mercer County Health Department. The exact wording of said statement will be provided by the Mercer County Board of Health or its delegate.

Section V – Individual Lots

- 1) Individual lots meeting the following requirements shall not be prohibited as long as they meet the requirements set forth in the current Kentucky On-Site Sewage Disposal Systems Regulation (902 KAR 10:081 and 902 KAR 10:085).
- 2) No person, firm, or corporation shall install an on-site sewage disposal system without first having obtained a permit from the Mercer County Health Department. No permit shall be issued unless the following standards are met:
 - a) The minimum lot shall be not less than one (1) acre. The topography and shape of the lot must be such as to allow proper installation of an on-site sewage disposal system. If said lot is in the City of Burgin, the minimum lot size as set by the Burgin City Council must be met if greater. Otherwise, the minimum lot size as set by the Greater Mercer County Planning and Zoning must be met if greater.

- b) Soil evaluation shall be completed by the Mercer County Health Department or approved professional consultants in accordance with the current Kentucky Onsite Regulation (902 KAR 10:081 and 10:085). Backhoe pits will be required for each evaluation and will be at the applicant's expense. All other fees apply.

Section VI – Plumbing and Building Permit

No plumbing or building permit for any new structure shall be issued, nor construction thereon commenced, unless outlet is provided to a municipal sewer system or Sections IV or V herein are fulfilled.

Section VII – Availability of Municipal Sewer System

In the event a municipal sewer system becomes available and is within 1000 feet of the property owners' property line, connection to such system shall be made within one (1) year and subsurface disposal systems shall be prohibited.

Section VIII – Hardship Clause

- 1) Upon petition by an applicant and where there is evidence that undue hardship will result from the enforcement of this regulation, the Mercer County Board of Health may grant a variance to the Applicant all or any part of this regulation provided that such variance will not result in a public health nuisance.
- 2) The Mercer County Board of Health or its delegate may waive the backhoe pit requirement for soil evaluation if this requirement would cause an undue hardship and a proper soil evaluation may be otherwise performed. The Mercer County Board of Health or its delegate may postpone the backhoe pit requirement for soil evaluation if a backhoe cannot initially be brought on the lot due to lack of access, and if:
 - a) a preliminary evaluation can be made without such pit, and
 - b) all parties understand and agree that the subsequent backhoe pit might cause the final evaluation to be different from the preliminary evaluation.

Section IX – Penalty

Any person who violates any provision of this regulation shall be fined not less than ten (\$10) dollars nor more than one hundred (\$100) dollars for each day the violation continues as provided in Section 212.990 (2) of the Kentucky Revised Statutes.

Section X – Partial Invalidity – Effect of

If any word, clause, section or paragraph of this regulation shall be declared invalid, the invalidity of such word, clause, section, or paragraph shall not effect the validity of the remaining provisions.

Section XI – Repeals

All regulations or parts of regulations of the Mercer County Board of Health in conflict herewith are to the extent of such conflict hereby repealed.

Section XII – Effective Date

This regulation shall become effective thirty (30) days after the date of publication.

The undersigned, _____, states that he is Chairman of the Mercer County Board of Health and that the foregoing regulation was duly adopted by the Mercer County Board of Health at a meeting held at Harrodsburg, Kentucky on the _____ day of _____, 2008.

Witness our hands this the _____ day of _____, 2008.

Chairman, Mercer County Board of Health

ATTEST: _____
Secretary, Mercer County Board of Health